

**Iowa Department of Natural Resources
Natural Resource Commission**

ITEM

8

DECISION

TOPIC

Final Rule Emergency Filed--Chapter 15, General License Regulations

The Commission is requested to approve the final Chapter 15 Emergency Rule, General License Regulations. The Department has been directed by a legislative amendment in the 2007 Iowa General Assembly to amend 571 Iowa Administrative Code section 15.6 Multiple Offender. The Legislative amendment required the Department to establish a violation point value for any violation and conviction of Iowa Code chapter 716 in which the violator is convicted of trespass on private property while in the act of hunting deer. It is the Department's intent and request to have normal rule-making procedures waived so that this amendment will become effective in time for the 2007 shotgun deer seasons.

Ken Herring, Administrator
Conservation and Recreation Division

November 8, 2007

Attached: Adopted and Final Emergency Rule

NATURAL RESOURCE COMMISSION [571]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code subsection 455A.5(6), the Natural Resource Commission amends Chapter 15, "General License Regulations," Iowa Administrative Code.

The Department has been directed by a Legislative amendment to Iowa Code section 481A.134, as found in Senate File 78 of the 2007 Iowa General Assembly, to amend Iowa Administrative Code Chapter 15 and rule 571--15.6(481A), Multiple Offender – Revocation and Suspension. This legislative amendment requires that the Department establish a violation point value for a violation and conviction of Iowa Code Chapter 716 in which the violator is convicted of trespass while hunting deer.

In compliance with the Legislative requirement and intent of the amendment of Iowa Code section 481A.134, the Department requests that the normal effective date of the amendment be waived and this amendment should be made effective upon filing, as it is needed prior to the opening of the deer gun seasons and will provide a benefit towards the enforcement of criminal trespass on private property.

The Natural Resource Commission adopted this amendment on November 8, 2007.

This amendment is intended to implement Iowa Code section 456A.24.

This amendment will become effective on November 14, 2007.

The following amendment is adopted.

ITEM 1. Amend subrule 15.6(1) by amending the definitions of "License" and "Multiple Offender" as follows:

15.6(1) Definitions.

"License" means any paid or free license, permit, or certificate to hunt, fish or trap listed in Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716, including the authorization to hunt, fish or trap pursuant to any reciprocity agreements with neighboring states.

"Multiple Offender" means any person who has equaled or exceeded five points for convictions in Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716 during a consecutive three year period as provided in 15.6(3).

ITEM 2. Amend subrule 15.6(2), introductory paragraph, as follows:

15.6(2) Record keeping procedures. For the purpose of administering this rule it shall be the responsibility of the clerk of district court for each county to deliver, on a weekly basis, disposition reports of each charge filed under Iowa Code chapters 481A, 481B, 482, 483A, 484A, 484B, and 716 to the department. Dispositions and orders of the court of all cases filed on the chapters listed in this subrule shall be sent to the department regardless of the jurisdiction or the department of the initiating officer.

ITEM 3. Amend subrule 15.6(3), paragraph "a," by adding the following **new** numbered paragraph:

(22) Any violation of Iowa Code chapter 716 while hunting deer.

Date

Richard A Leopold, Director

